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12 *Attorney for Petitioner Charles Smith

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA
15

16 Charles Smith,

17 Petitioner,

18 v.

19 William Hutchings, *et al.*,

20 Respondents.
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Case No. 2:20-cv-01781-RFB-VCF

**Unopposed Motion for extension of
time to file Response to Motion to
Dismiss**

(First Request)

POINTS AND AUTHORITIES

On March 10, 2022, Smith filed his Amended Petition. ECF No. 23. On July 7, 2022, Respondents moved to dismiss. ECF No. 29. Smith's current deadline to respond to the motion to dismiss is August 8, 2022.

Counsel for Smith requests a first extension of time of 60 days to October 7, 2022, to file the response to the motion to dismiss. Counsel has reviewed the motion to dismiss, which includes an argument that the pro se petition and amended petition are untimely. He has spoken with Smith about the motion and the contents of what must be included in the response. Counsel needs more time to adequately respond to the timeliness argument.

In addition, counsel's workload and managerial responsibilities have prevented him from meeting the current deadline. Over the past 30 days, counsel has had to prioritize reviewing a Ninth Circuit reply brief, a state court petition, multiple responses to motions to dismiss, and two pardons board applications, among other pleadings. In addition, counsel has had to go on multiple prison visits, including two trips to Lovelock Correctional Center. Over the next 60 days, counsel has multiple deadlines for pleadings and an appearance before the Pardons Board in September. Further complicating counsel's ability to work on the amended petition are the numerous administrative and managerial responsibilities related to his position as Chief of the Non-Capital Habeas Unit. This has included having to focus a vast amount of time on interviewing candidates for attorney and legal assistant positions. In addition, counsel will be training three new attorneys who will be starting at the end of August and the beginning of September. Counsel anticipates his various administrative and managerial responsibilities will continue over the next 60 days.

For these reasons, counsel is requesting an additional 60 days to October 7, 2022, to file the response.

1 On August 5, 2022, counsel for respondents, Deputy Attorney General Sheryl
2 Serreze, indicated by email respondents do not oppose this request.

3 This motion is not filed for the purpose of delay, but in the interests of justice,
4 as well as in the interest of Smith. Counsel for Petitioner respectfully requests that
5 this Court grant this motion and order Petitioner to file the response no later than
6 October 7, 2022.

7 Dated August 8, 2022

8 Respectfully submitted,

9 Rene L. Valladares
10 Federal Public Defender

11 /s/ Jonathan M. Kirshbaum
12 Jonathan M. Kirshbaum
13 Assistant Federal Public Defender

14 IT IS SO ORDERED:

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17 RICHARD F. BOULWARE, II
18 UNITED STATES DISTRICT JUDGE

19 DATED this 9th day of August, 2022.
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